

CHAPTER 228
HB 358 – FINAL VERSION

04/30/2015 1349s
24June2015... 2324EBA

2015 SESSION

15-0780
08/10

HOUSE BILL **358**

AN ACT relative to driver's license information obtained by pawnbrokers and secondhand dealers.

SPONSORS: Rep. Williams, Hills 4

COMMITTEE: Commerce and Consumer Affairs

AMENDED ANALYSIS

This bill allows pawn brokers and secondhand dealers to retain certain identifying information from a driver's license.

Explanation: Matter added to current law appears in ***bold italics.***
 Matter removed from current law appears [~~in brackets and struck through.~~]
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fifteen

AN ACT relative to driver's license information obtained by pawnbrokers and secondhand dealers.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 228:1 Storage of Personal Information Obtained from a Drivers' License. Amend RSA 263:12, X
2 to read as follows:

3 X. Knowingly scan, record, retain, or store, in any electronic form or format, personal
4 information, as defined in RSA 260:14, obtained from any license, unless authorized by the
5 department. Nothing in this paragraph shall prohibit a person from transferring, in non-electronic
6 form or format, personal information contained on the face of a license to another person, provided
7 that the consent of the license holder is obtained if the transfer is not to a law enforcement agency.
8 Notwithstanding any other provision of law, any person selling alcohol or tobacco who uses due
9 diligence in checking identification to prevent unauthorized sales and purchases of alcohol and
10 tobacco shall not be held responsible for the acceptance of fraudulent identification. Where due
11 diligence is exercised on the part of the seller, the unauthorized purchaser shall be liable for any
12 penalty or fine resulting from the unauthorized sale. ***This paragraph shall not prohibit the
13 scanning, recording, retaining, or storing of such information in electronic form collected
14 with the license holder's consent as part of a sale of merchandise to a pawnbroker or other
15 secondhand dealer, and submission of such information to law enforcement databases for
16 the sole purpose of identifying sellers of stolen merchandise. The pawnbroker or
17 secondhand dealer shall not retain the scanned information in electronic form
18 transmitted to a law enforcement database, unless required by local regulation, and shall
19 not furnish the information to anyone except a law enforcement officer. The pawnbroker
20 or secondhand dealer may maintain in a log or other document the name and address of
21 the person whose license was scanned along with a description of the items the individual
22 sold, pawned, or purchased, and shall allow such log or document to be examined by a law
23 enforcement official upon request.***

24 228:2 Effective Date. This act shall take effect 60 days after its passage.

25

26 Approved: July 13, 2015

27 Effective Date: September 11, 2015